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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,277	09/01/2006	Charles E. Brown III	B1075.70043US01	1604
23628	7590	07/30/2008		
WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
DICICCO, JOHN R				
ART UNIT		PAPER NUMBER		
3739				
MAIL DATE		DELIVERY MODE		
07/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,277

Applicant(s)

BROWN ET AL.

Examiner

John R. Di Cicco

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-65 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-27, drawn to a catheter.

Group II, claim(s) 28-37, drawn to a method of deploying a braided conductive member of a catheter.

Group III, claim(s) 38-43, drawn to a catheter.

Group IV, claim(s) 44-48, drawn to a catheter.

Group V, claim(s) 49-53, drawn to a method of using a catheter having a conductive member.

Group VI, claim(s) 54-58, drawn to a steering mechanism.

Group VII, claim(s) 59-61, drawn to a method of controlling the rotational friction of a thumbwheel.

Group VIII, claim(s) 62-65, drawn to a handle.

The inventions listed as Groups I-VIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

1. The closest state of the art document US5891136 discloses a catheter with a handle, shaft, tip, braided conductive member and a mandrel.
2. The present application has nine independent claims:
Claim 1 relates to a catheter with braided conductive member and a mandrel;
Claim 28 relates to a method of deployment;

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Claim 38 relates to a catheter with an elastomeric tip and a braided conductive member;

Claim 44 relates to a catheter with a conductive member formed of filaments, and a thermocouple wire coupled to a filament;

Claim 49 relates to a method of using a catheter;

Claim 52 relates to a method of using a catheter;

Claim 54 relates to steering mechanism for a catheter;

Claim 59 relates to a method of controlling the rotational friction of a thumbwheel;
and

Claim 62 relates a handle for use with a catheter.

3. In light of the closest prior art document, claim 1 shows no special technical feature according to Rule 13.2 PCT. The first claim dependent on claim 1 to possess a special technical feature is claim 2, where the feature is the mandrel having two tiers with different diameters.

4. In light of US5891136, independent claim 38 shows the special technical feature according to Rule 13.2 PCT of the elastomeric tip.

5. In light of the closest prior art, independent claim 44 shows the special technical feature according to Rule 13.2 PCT of the coupling of the thermocouple wire to a filament.

6. Similarly, in light of the closest prior art document, claim 54 shows the special technical feature of the steering mechanism.

7. In light of US5891136, independent claim 59 shows the special technical feature according to Rule 13.2 PCT of the controlling the rotational friction of a thumbwheel.

8. Similarly, independent claim 62 shows the special technical feature of a handle with a thumbwheel.

9. The special technical features of claim 1 (catheter with mandrel), independent claim 38 (elastomeric tip), independent claim 44 (thermocouple), independent claim 54 (steering mechanism) and independent claims 59 and 62 (handle with thumbwheel) show no common technical feature or inventive concept and are therefore considered to be five inventions.

A telephone call was made to Melissa A. Beede on July 28, 2008 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Di Cicco whose telephone number is (571) 270-5039. The examiner can normally be reached on M-Th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Peffley/
Primary Examiner, Art Unit 3739

/John R. Di Cicco/
Examiner, Art Unit 3739